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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,655	01/11/2001	Takeru Fujii	2001_0019A	8019
513	7590 11/01/2002			
	ГН, LIND & PONAC	EXAMINER		
2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			BROWN, STACY S	
			ART UNIT	PAPER NUMBER
			1648	
			DATE MAILED: 11/01/2002	17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner								
Examiner Stacy S Brown 1648 1		Application No.	Applicant(s)					
Stacy S Brown 1648	•	09/757,655	FUJII ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION: It is betted for the map be a exibile under the previous of 37 CFR 1.13(d). In no event, however, may a reply be timely fled If the period for reply specified shows the maximum statutory ended vall page and vall being 18 (MONTHS from the maling date of this communication of the period for reply specified shows, the maximum statutory seried vall page and vall expires XIV MONTHS from the maling date of this communication of the period for reply specified shows, the maximum statutory seried vall page and vall expires XIV MONTHS from the maling date of this communication is expired to the specified period of the period of the specified period of the period of the specified period period of the specified period of the specified period period period period period of the specified period perio	Office Action Summary	Examiner	Art Unit					
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1) ⊠ Responsive to communication(s) filed on 25 September 2002. 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☒ Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application from the International Bureau (PCT Rule 17.(2a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) ☐ Interview Summary (PTO-413) Paper No(s) 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 end/or 121.	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION: - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply by within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS (6), cause the application to become ABANDO	e timely filed days will be considered timely. from the mailing date of this communication. DNED (35 U.S.C. § 133).					
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Application/Control Number: 09/757,655

Art Unit: 1648

DETAILED ACTION

1. Applicant's election of Group I, claims 1-4 and 9-11 is acknowledged. Upon further consideration, a new restriction requirement is made in this Office Action. The Office regrets any inconvenience to Applicant.

Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4 and 9-11, drawn to a peptide of the formula H-A1-A2-A3-A4-A5-R, classified in class 530, subclass 300.
 - II. Claims 5-8 and 9-11 drawn to a peptide of the formula H-a1-a2-a3-a4-a5-R, classified in class 530, subclass 300.

The inventions are distinct, each from the other because of the peptides comprise different amino acid sequences, thus encoding different peptides. The literature and sequence search required for Group I is not co-extensive for Group II and therefore burdensome.

Restriction for examination purposes as indicated is proper.

Further restriction is required if either of Groups I or II are elected. SEQ ID NO: 1 contains five variable amino acids. A1 can be selected from a group of seven amino acids, A2 from eight, A3 from six, A4 from three and A5 from seventeen. The total possible sequence combinations are 17,136 sequences. (This number was calculated by multiplying 7, 8, 6, 3 and 17.) A search for 17,136 sequences would be burdensome to the Office. Therefore, Applicant is required to elect one sequence combination from SEQ ID NO: 1 for examination. (SEQ ID NOS: 2 and 3 will be examined with regard to the sequence chosen according to SEQ ID NO: 1.)

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Papers relating to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 located in Crystal Mall 1. The Fax number for Art Unit 1648 is (703) 308-4426. All Group 1600 Fax machines will be available to receive transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stacy S. Brown, whose telephone number is (703) 308-2361. The Examiner can normally be reached on Monday through Friday and alternate Wednesdays from 6:30 AM-4:00 PM, (EST). If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, James C. Housel, can be reached at (703) 308-4027. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Stacy S. Brown October 26, 2002 HANKYEL T. PARK, PH.D